

**Water District No. 34****P. O. Box 53****Mackay, ID 83251****(208) 588-3137****RECEIVED****AUG - 4 2003**

Department of Water Resources

FAX TRANSMITTAL

To: JENNIFER BERKEY

Date: 8-4-03

of Pages: 3
(including
cover sheet)

Comments: JENNIFER,
PLEASE REVIEW THIS REQUEST FOR A
FUTILE CALL. IF ADDITIONAL INFORMATION
IS REQUIRED PLEASE ADVISE ME.

BOB DUKE

**Water District No. 34
P. O. Box 53
Mackay, ID 83251
(208) 588-3137**

August 04, 2003

Tim Luke
1301 North Orchard Street
Boise, Idaho 83706

Dear, Tim

This letter is in regards to a futile call being made on the Big Lost River below the Mackay Reservoir. On 7-31-03 approximately 160 cfs was read at the Leslie gauge. Of that 160 cfs 50 cfs was read at the Moore Canal gauge, of that 50 cfs 4.6 cfs was being delivered to an 1883 water right. On 8-1-03 approximately 134 cfs was read at the Leslie gauge, of that 134 cfs 15 cfs was read at the Moore Canal, of that 15 cfs 2.2 cfs was being delivered to an 1883 senior water right. On 8-2-03 approximately 80 cfs was read at the Leslie Gauge, of that 80 cfs 0 cfs was read at the Moore Canal. On 8-3-03 approximately 60 cfs was read at the Leslie Gauge, of that 60 cfs 0cfs was read at the Moore Canal. On 8-4-03 the water level had receded below the Leslie Gauge, 0cfs was read at the Moore Canal.

In my estimation there has been a more than reasonable attempt to deliver the 1883 senior water rights to the Moore Canal. Therefore, a futile call should be made.

In our advisory board meeting 7-29-03 a motion was made and passed by the board for water rights to be called at the Leslie Gauge for water rights below the Mackay Reservoir. This was to establish water available for spillage beyond the Beck Diversion. Subject to review. In compiling the required information from this motion, It was agreed upon by the board members that were at the 7-29-03 meeting by phone 8-4-03 that water rights would be determined by either the 2-B gauge or the Leslie Gauge for water rights above the Beck Diversion and that an attempt should be made to allow 20cfs to go buy the Beck Diversion for good faith attempt for appeasement of the lower valley

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert E. Duke". The signature is written in dark ink and is positioned below the word "Sincerely,".

Robert E. Duke
Watermaster